Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

Transmitted herewith are clean formal drawings that overcome all objections. Reference numerals have been added to FIGS. 7 and 8. No new matter whatsoever has been added.

Also enclosed is a US-style abstract to replace the translated Abstract with reference numerals from the WO publication.

Main claim 1 has been replaced with US-style claim 14 that avoids all the formal objections and defines the invention clearly over the cited art. The dependent claims have been amended to overcome the various objections and to depend on new claim 14.

New main claim 14 describes as shown in the drawing, a machine for forming a bag of a strip 1 of weldable material, filling the bag with a fluent filling, and sealing the filled bag, the machine comprising:

means 2, 3, and 4 for forming the strip 1 into a longitudinally extending and laterally closed tube and continuously advancing the tube longitudinally downward through a welding/folding station;

means for pouring the filling into the tube above the station;

a cross-seam welder 5, 7 at the station and horizontally closable on opposite sides of the tube to form therein a bag-forming crosswise weld;

a folder 6 at the station below the welder 5, 7 and horizontally closable on the tube to fold it inward;

a vertically shiftable lifter 9 below the station engageable under a filled section 10 of the tube below the station; and

drive/control means connected to the welder 5, 7, folder 6, and lifter 9 for

simultaneously (FIGS. 4, 5, 6 and 7)

closing the welder 5, 7 and folder 6 on the tube to form a crosswise weld and to fold the tube horizontally inward while

raising the filled section 10 of the tube below the station relative to the welder 5, 7 and folder 6 while

displacing the welder 5, 7 and folder 6 downward generally synchronously with the downwardly

moving tube while the welder 5, 7 and folder 6 are in contact with the tube and

thereafter (FIG. 8)

opening the welder 5, 7 and folder 6 and shifting the welder 5, 7 and folder 6 back upward and

discharging the filled section 10 from the lifter 9 and displacing the lifter 9 downward relative to the welder 5, 7 and folder 6.

Thus the claims clearly describe a system where the welding/folding tools are moved synchronously with the moving tube while the filled section is raised relative to the moving welding/folding tools. Such an arrangement allows a continuously advancing tube to be formed into individual bags that are completely filled, that is with no trapped air, because the lifter pushes out the air of the dropping bag as its top is being closed.

The claims stand rejected on US 5,398,486 of Kauss. This references teaches a continuously operating vertical bag forming, filling and sealing machine that includes a lifter (parts 15, 44, 45, 46) that can be compared with the lifter of the present application. However, whereas according to the present application the lifter and the folder are moved such that, for folding the wrapping material onto the surface of the filling material, the filled tube section is lifted relative to the folder, according to

Kauss the lifter (15, 44, 45, 46) does not lift the filled tube bag relative to the folder in order to provide enough wrapping material for the folding process. As especially disclosed in column 3, lines 9 through 14: "a forming box below the side-folding device ... could also be moved up and down in vertical direction synchronously with said side-folding device" (emphasis added).

Thus a specifically claimed feature of the invention, moving the lifter relative to the welder/folder, is explicitly ruled out and not disclosed by Kauss. This obviates the §102 rejection thereon.

There is no suggestion in Kauss this lifter could be moved up relative to the folder in order to get a better folding effect. In fact this structure would not permit such operation, making a §103 rejection also impossible.

There is nothing resembling the slide-on-a-slide system of the instant application to allow the downward synchronous movement of the folder/welder with the workpiece while simultaneously allowing the underneath lifter to move relative to it.

The machine known from Kauss does not have a system wherein lifting the already filled tube bag which is still open is done for a better folding of the wrapping material onto the top

surface of the filling material with a continuously operating machine. The advantage of this system is that it folds (with lifting the tube bag that is open at is upper side and that is filled with the filling material) the wrapping material onto the top surface of the filling material and allows the cross weld seam to be made without stopping the downwardly moving wrapping material so that the machine can be operated significantly faster than a standard batch-type machine that starts and stops.

This teachings of Kauss are only a forming box serving to form the filled tube bag and moved only synchronously with the folder and the welder and of course with the tube bag during the filling and sealing of the same.

Hence the instant invention as defined in the claims is clearly allowable over the cited art. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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Enclosure: Corrected version
Substitute Specification
Substitute Abstract
Replacement drawing (5 sheets)